IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 169 (SS) OF 2006

1. Jagmohan Sharma, S/o Shri Lal Singh,
   Presently posted as Nursing Assistant,
   T.B. Hospital Haridwar, District Haridwar.
2. Tara Singh, S/o late Babu Singh,
   Presently posted as Store Keeper, T.B.I. Beds,
   Haridwar, District-Haridwar.

.....Petitioners.

Versus

1. State of Uttaranchal, through Secretary Medical Health,
   Dehradun.
2. Director General,
   Medical Health and Familty Welfare,
   Uttaranchal, Dehradun.
3. State of U.P., through Secretary,
   Medical Health, Secretariat,
   Lucknow.
4. Director General,
   Medical Health Services,
   U.P., Lucknow.
5. Union of India, through Director (S.R.)
   Ministry of Personnel, Grievance and Pensions,
   Lok Nayak Bhawan Khan Market,
   New Delhi.
6. State Advisory Committee,
   Government of India, Ist Floor Gate No. 31,
   Jawahr Lal Nehru Stadium New Delhi,
   Through its Chairman. .....Respondents.

Sri Lok Pal Singh, Advocate for the petitioners.
Learned Standing Counsel for the State of Uttaranchal.
Learned Standing Counsel for the Central Government.
Learned Standing Counsel for the State of U.P.

20.02.2006

Hon'ble Justice Rajesh Tandon, J.

By the present writ petition, the petitioners have prayed for a writ of mandamus directing the respondent no. 1 and 2 to relieve the petitioners for the State of U.P.

2. Brief facts giving rise to the present writ petition are that both the petitioners are class-III employees working in Health Department, District Haridwar, who were appointed by the

Director General, Medical Health and Family Welfare, Dehradun.

3. Learned counsel for the petitioners has submitted that the petitioners are permanent resident of State of U.P. The wife of the petitioner no. 1 is serving in Police Department. Earlier she was posted at Haridwar, but she has been relieved for the State of U.P. and now she is posted at District Saharnpur (U.P.).

4. On formation of State of Uttaranchal, options were invited under the U.P. Reorganization Act, 2000 from the petitioners and both the petitioners submitted their options for the State of U.P.

5. According to the petitioners, they have come to know that they have been allocated for the State of U.P., as their names did not find place in the tentative list of State of Uttaranchal.

6. Petitioners have submitted that their other colleagues have already been relieved for the State of U.P., but the respondents are not relieving the petitioners without any rhyme or reason and the respondents are adopting pick and choose policy in relieving the employees from the State of Uttaranchal.

7. On 03.07.2004, the State Government issued directions to all the Secretaries of the State to take immediate action for relieving such employees who have been placed in the tentative list.

8. Learned counsel for the petitioners have submitted that inspite of the letter dated 03.07.2005, the petitioners have not been relieved though various class III employees have been relieved by the respondent no. 2 and the respondents are adopting pick and choose policy in relieving the petitioners.

9. Both the petitioners have made their representations (Annexure No. 4 to the writ petition) to the respondent no. 2 for relieving them for the State of U.P., but the respondent no. 2 is not paying any heed.

10. Taking into consideration the grievance of the petitioners, respondent no. 2 is directed to decide the representation of the petitioners within a period of two months from the presentation of the certified copy of the order in accordance with law.

11. Writ petition is disposed of accordingly. No order as to costs.

(Rajesh Tandon, J.)

20.02.2006

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